IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V. RAMULU

-

WRIT PETITION NOS.25770 of 1996 AND 13248 of 1998

-

-

WRIT PETITION NO.25770 of 1996

Between:

1 Avalamandha Lakshmipathi S/o. A. Rajagopal Naidu
r/o.LIG.16, APIIC Qtrs, Gajulamandyam (Vill & Po),
Renigunta (M), Chittoor (D).
2 Mekhalathu Chandra Sekharan S/o. Venkatesa Mudali
r/o. Yogimallavaram (V), Tiruchanur (PO),
Tirupathi Rural (M), Chittoor (D).
3 Kudithi Sreedhar S/o. K.Narayana
r/o. Pillapalem Vill & PO., Renigunta (M),
Chittoor (D).
4 Kalahasthi Rajasekhar Naidu S/o. K.Radhakrishnaiah
D.No.3-5-138, Adrathi Lane,
Tirupathi-517 501.
5 Tanguturi Krishnamurthi S/o. T.Gopalu
C/o. P.Ramachandranaidu, KLM Hospital, Renigunta PO & Mandal,
Chittoor (D).

..... PETITIONERS

AND

1 Tirupathi Cotton Mills (Govt. of India Undertaking & Unit of a National

Textile Corp.) rep.by its General Manager
Renigunta, Chittoor Dist.
2 The Chairman & M.D.,Tirupathi Cotton Mills (Govt. of India Under

taking & Unit of National Textile Corp.)

29/2, 3rd floor, Nanjappa Mansion, RH Road, Bangalore-560 027.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of Mandamus directing the respondents to absorb the petitioners by regularising their services in the posts in which they are working by extending all benefits given to a regular employees working in similar category w.e.f. the date of their appointment on daily wage basis declaring the inaction in regularisation of their services and payment of lesser wages than that of regular employees as illegal, irregular, arbitrary, unjustified, unconstitutional and unsustainable and pass.

Counsel for the Petitioners: MR. P. VEERA REDDY

Counsel for the Respondents: MR.P.NAGESWAR SREE

WRIT PETITION NO.13248 of 1998

Between:

1 W.Satnly, S/o R.Williams,
T.C.Mills, Quarter No.21, SN Puram, Renigunta, Chittor Dist.
2 A.Palani Swamy, S/o P.Arumugam,
T.C.Mills, Quarter No.62, SN Puram, Renigunta, Chittor Dist.
3 M.Moses, S/o M.Vijayaratham,
T.C.Mills, Quarter No.63, SN Puram, Renigunta, Chittor Dist.
4 K.Muni Reddy, S/o K.Vebkata Muni Reddy,
Ankamma Naidupalli Village Renigunta (M), Chittor Dist.
5 M.Muniramaiah, S/o MuniKrishnaiah,
Tukkivakkam Post & Village Renigunta (M), Chittor Dist.
6 L.Rajendran, S/o J.Lokanadham,
T.C.Mills, Quarter No.60, SN Puram, Renigunta, Chittor Dist.
7 R.Kumaravelu, S/o C.Raju,
T.C.Mills, Quarter No.14, SN Puram, Renigunta, Chittor Dist.
8 G.Bhaskar reddy, S/o G.Kannappa,
Elamandyam Village, Pillapaiayam Post, Renigunta (M), Chittor Dist.
9 K.Munikrishna Reddy, S/o K.Venkata Muni Reddy,
T.C.Mills, Quarter No.106, SN Puram, Renigunta, Chittor Dist.
10 P.Joseph, S/o P.Williams,
T.C.Mills, Quarter No.69, SN Puram, Renigunta, Chittor Dist.
11 M.K.Gopikrishna, S/o M.K.Kanniappan,
D.No.4-44, SN Puram, Renigunta, Chittor Dist.
12 A.Krishna, S/o B.Arumugam,
T.C.Mills, SN Puram, Renigunta, Chittor Dist.
13 B.Putts Reddy,
T.C.Mills, Quarter No.113, SN Puram, Renigunta, Chittor Dist.
14 T. Mayakrishna, S/o Trivenkatam,
T.C.Mills, Quarter No. , SN Puram, Renigunta, Chittor Dist.
15 N.Subrahmanyam, S/o N.Subbaiah,
Elamandyam Village, Pillapaiayam Post, Renigunta (M), Chittor Dist.

16 A.Subramanya Reddy, S/o A.Gangi Reddy,
Suryaprakasam Village, Gajulamandyam Post, Renigunta, Chittor

Dist.
17 M.Seenaiah, S/o M.Munaiah,
T.C.Mills, Quarter No.25, SN Puram, Renigunta, Chittor Dist.

..... PETITIONERS

AND

1 Tirupati Cotton Mills, (Govt. of India Undertaking and unit of a

National Textile Corporation), Rep by its GM, Renigunta, Chittoor Dist.
2 The Chairman & MD, Tirupati Cotton Mills, (Govt. of India Undertaking

and unit of a National Textile Corporation), 29/2, 3rd Flr, Nanjappa

Mansion, KH Road, Bangalore-560027.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to absorb the petitioners by regularising their Services in the posts in which they are Working by extending all benefits given to regular Employees W.E.F the date of their initial appointments on daily wage basis declaring the inaction in regularisation of their services and payment of lesser wages than that of regular employees as illegal, irregular, arbitrary, unjustified, unconstitutional and unsustainable.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondents: MR.P.KAMLAKAR

The Court made the following :

COMMON ORDER:

Since the facts involved in these two cases are similar in nature, they are disposed of together.

These writ petitions are filed seeking a Mandamus directing the respondents to absorb the petitioners by regularizing their services in the posts in which they are working by extending all benefits given to regular employees working in similar category with effect from the date of their initial appointment.

According to the petitioners they have been working as Fitters, Substitutes and Badlies respectively for the last 15 to 18 years. However, their services are not being regularized in their respective cadres, therefore, the action of the respondents in not regularizing the services of the petitioners is arbitrary and illegal.

A detailed counter affidavit has been filed by the 1st respondent denying the allegations made by the petitioners and asserting as follows;

"I submit that the 1st respondent Mill was continuously incurring losses and as such it was referred to B.I.F.R. during 1992 and got registered asNo.534/1992 on 16.11.1992. In view of this, the National Textile Corporation has introduced voluntary retirement scheme during October, 1996 and more than 80% of the permanent workmen have opted for the scheme and left the Mills. From 16.12.1996 the 1st respondent Mills has come to a grinding halt and there was no industrial activity at all. However, from 13.08.1997 the 1st respondent Mill has started functioning partially undertaking conversion work with a private company which supplied cotton and the 1strespondent Mills converted the same into yarn and supplied back the same to the Company on payment of conversion charges. The said work also has come to an end and there is no work from 01.05.1998."

It is further asserted that the 1st respondent Mill has been paying idle wages to the

48 permanent workmen who have not opted for voluntary retirement. Further it is stated that the matter was pending before the B.I.F.R. and the B.I.F.R has not passed any orders till date. Therefore, the question of continuing the services of the petitioners or regularizing their services in the Mill does not arise.

In view of the above position, I am of the considered opinion that no relief can be granted to the petitioners in view of the fact that the

1st respondent-Industry has been declared sick and it is before the B.I.F.R. However, this will not preclude the petitioners from working out their remedies as available under the law as to any other financial benefits and also engaging them as and when the Industry is revived either by way of an award passed by the B.I.F.R or otherwise.

With the above observation, the writ petitions are disposed of. No order as to costs.

_____

C.V. RAMULU, J.

Date: 10.06.2005

Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager, Tirupathi Cotton Mills (Govt. of India

Undertaking & Unit of a National Textile Corp.)
Renigunta, Chittoor Dist.

2 The Chairman & M.D.,Tirupathi Cotton Mills (Govt. of India Under

taking & Unit of National Textile Corp.)
29/2, 3rd floor, Nanjappa Mansion, RH Road, Bangalore-560 027.

3 Two CD copies

4 1 CC to MR.VEERA REDDY